

Attorney for Whitworth Links Him to Spy Letters

By KATHERINE BISHOP

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SAN FRANCISCO, July 10 — A defense attorney today told the jury in the trial of Jerry A. Whitworth that Mr. Whitworth had written a series of anonymous letters admitting involvement in espionage for the Soviet Union.

However, in his closing argument, the lawyer, James Larson, depicted Mr. Whitworth as a man who was deceived into believing that the classified Navy data he had stolen was being sold to Israel and who had tried to extricate himself from espionage activities when he found out the truth.

The letters, which were received by the Federal Bureau of Investigation in San Francisco in 1964, were signed "RUS. Somewhere. U.S.A." The letters were allowed to be introduced as evidence by Federal District Judge John P. Vukasin Jr.

The writer offered to expose an espionage conspiracy in exchange for anonymity and freedom from prosecution. In the first letter, the writer said, "I didn't know that the info was being passed to the U.S.S.R. until after I had been involved a few years."

"Trying to Disengage Himself"

"The writer of the RUS letters was Jerry Whitworth," Mr. Larson said at the trial of Mr. Whitworth for espionage and tax fraud. But they were written in a context of "trying to disengage himself from the situation he was in," Mr. Larson said.

At the beginning of his argument Wednesday afternoon, Mr. Larson conceded that Mr. Whitworth, a Navy radioman, had stolen classified Navy cryptographic data and coded messages from various stations where he worked and passed them to John A. Walker Jr. in exchange for money. Mr. Larson also conceded that Mr. Whitworth failed to pay taxes on that money, as charged in the 13-count indictment.

Mr. Larson said the only issue was whether Mr. Whitworth knew he was spying for the Soviet Union.

Because the indictment specifically charges Mr. Whitworth intended to aid the Soviet Union, Judge Vukasin has ruled that he will instruct the jury Fri-

day that it must find that Mr. Whitworth knew the stolen data was being sold to Soviet agents by Mr. Walker if it is to find him guilty of the eight counts of espionage charged in the indictment.

Judge Vukasin will also instruct jurors that they can find Mr. Whitworth guilty of a lesser charge of passing classified military data to an unauthorized person. This charge carries a possible sentence of 10 years in prison for each count. Seven of the eight espionage counts each carries a life sentence.

Throughout the case, the defense has maintained that Mr. Whitworth was manipulated by Mr. Walker, a former Navy colleague who has confessed he headed a Soviet spy ring and who the defense has characterized as a liar. Mr. Whitworth's attorneys maintain he became corrupted by the money he was receiving from Mr. Walker but never intended to assist the Soviet Union or harm the United States through his activities.

Technical Secrets Involved

In closing argument Wednesday, Leida B. Schoggen, an assistant United States attorney, told the jury that it need never consider the lesser charge because evidence introduced at the trial made it clear that Mr. Whitworth would have known that only the Soviet Union would have the interest and the capacity to decode and use the highly technical cryptographic materials he stole.

Mr. Larson argued that when Mr. Whitworth began to suspect Mr. Walker had deceived him, he took several steps, including delivering to Mr. Walker a roll of film of photographs of classified documents he knew was improperly exposed, and then abruptly retiring from the Navy.

Mr. Larson asked the jury to infer from the evidence that Mr. Whitworth was "searching for some confirmation of his growing doubts" about what Mr. Walker had told him and resolved the situation "by getting out altogether."

Mr. Whitworth was "susceptible to the pitch Mr. Walker gave, knowing his sympathies to Israel," Mr. Larson said. Mr. Walker "preyed upon this sympathy," Mr. Larson said.

With Mr. Whitworth's wife, Brenda

L. Reis, sitting in the front row wiping tears from her eyes, Mr. Larson described Mr. Whitworth as a gullible and suggestible person who wanted to believe the best about everyone he knew even when he was treated badly.

"You could betray him, you could kick him around like a stray dog and he'd come back," Mr. Larson said of Mr. Whitworth.

The courtroom packed with spectators erupted in laughter when Mr. Larson showed the jury six poster-size paintings depicting Mr. Walker in what the attorney said were "disguises." One showed Mr. Walker in Ku Klux Klan robes to represent his testimony that he infiltrated the Klan as an assignment for his detective agency, which he operated after his retirement from the Navy. Another showed him with a hammer and sickle in the background and dressed in a suit of money to depict his spying activities.

The face is the same in each picture, Mr. Larson said, because it is "a mask to disguise what is really going on in this man's head."